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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,611

12/05/2003

Malcolm Walter Anderson JR.

075081.0102

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03/20/2008

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2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

NOTIFICATION DATE

DELIVERY MODE

03/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/729,611	Applicant(s) ANDERSON, MALCOLM WALTER	
	Examiner BASIL KATCHEVES	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-58, 60-64 and 67-72 is/are pending in the application.
- 4a) Of the above claim(s) 2, 5, 10, 13-56, 58 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-9, 11, 57, 60, 61, 63, 64 and 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is drawn to a subcombination bolt protector but includes limitations of a lumber and foundation which implies a combination. The lumber and foundation are not positively claimed and therefore, claim 1 will be construed as being drawn to the subcombination bolt protector.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6-9, 11, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,934,887 to Sharp et al.

Regarding claims 1, 8, discloses a bolt protection apparatus comprised of a multiple piece, telescoping, tubular member having a first means (92) for surrounding a bolt, and a second means (80) for assisting in fixing the first means, the protector being plastic, the bolt being metal and the wood being chemically treated (abstract).

Regarding claim 3, Sharp discloses both means as integral.

Regarding claim 4, Sharp discloses the first means as tubular and the second means as washer like.

Regarding claims 6, Sharp discloses the bolt made from metal.

Regarding claim 7, Sharp discloses the use of steel bolts (column 1, lines 41-44).

Regarding claims 9, 11, tubular plastic has an inherent rigidity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57, 60, 61, 63, 64, and 67-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,934,887 to Sharp et al. in view of U.S. Patent No. 6,105,332 to Boyadjian.

Regarding claim 57, Sharp discloses a bolt protection apparatus having a first means for surrounding a bolt and a second means for assisting in fixing the first means, the bolt passing through the sleeve and securing treated lumber. However, Sharp does not disclose the lumber as secured to a foundation. Boyadjian discloses securing lumber to a foundation by a bolt and sleeve (fig. 3). It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to secure the lumber to a foundation, as disclosed by Boyadjian, since foundations typically have lumber bolted to them in order to secure walls and floors.

Regarding claim 60, Sharp discloses the sleeve as tubular.

Regarding claim 61, Sharp discloses a washer (80).

Regarding claim 63, Sharp discloses the protector as of tubular segments (fig. 3 & telescoping).

Regarding claim 64, Sharp discloses the protector as plastic.

Regarding claim 67, 72, Sharp discloses the sleeve as resisting corrosion.

Regarding claim 68, Sharp discloses a washer (50) over the bolt after passing through.

Regarding claim 69, Sharp discloses a nut (16).

Regarding claim 70, Sharp discloses the washer as preventing contact of wood to nut.

Regarding claim 71, Sharp discloses a second washer (14) over the first, the first preventing the second from contacting wood.

Response to Arguments

Applicant's arguments filed 11/19/07 have been fully considered but are moot under new grounds of rejections necessitated by the applicant amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635